

The Gazette of India



EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, TUESDAY, JANUARY 8, 1952

MINISTRY OF LAW

New Delhi, the 8th January, 1952

The following President's Act enacted on the 8th January, 1952 is published for general information:—

THE EAST PUNJAB WAR AWARDS (AMENDMENT) ACT, 1952

No. I OF 1952

An Act to amend the East Punjab War Awards Act, 1948.

[8th January, 1952]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. **Short title and commencement.**—(1) This Act may be called the East Punjab War Awards (Amendment) Act, 1952.

(2) It shall be deemed to have come into force on the 10th day of April, 1948.

2. **Amendment of section 2, East Punjab Act XXII of 1948.**—In clause (a) of section 2 of the East Punjab War Awards Act, 1948, for the words "resident of East Punjab" the words "citizen of India who immediately before the 15th day of August, 1947, ordinarily resided in the undivided Punjab and" shall be substituted.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The East Punjab War Awards Act, 1948, was enacted to empower the Government of Punjab to award Jagirs to parents, three or more of whose children were enrolled or commissioned for service in His Majesty's Forces during the last World War. Under the Act only a resident of Punjab (India) is eligible for

a war Jagir. There are, however, persons who originally belonged to West Punjab but who, on partition, did not settle in Punjab (India), having migrated to other States in India; there are others similarly affected on account of territorial adjustments of areas which have been transferred to the States of Himachal Pradesh, Rajasthan and Patiala and East Punjab States Union. Such persons are not eligible under the Act. The intention behind the Act was to recognise the efforts of all persons belonging to undivided Punjab, three or more of whose children had enrolled themselves during the last World War. The East Punjab War Awards (Amendment) Act, 1952, seeks to carry out this intention.

H. V. R. IENGAR,
Secy. to the Govt. of India,
Ministry of Home Affairs

The following President's Act enacted on the 8th January, 1952 is published for general information:—

THE PUNJAB COTTON (PREVENTION OF ADULTERATION) ACT, 1952

No. II OF 1952

An Act to provide for the prevention of adulteration of cotton.

[8th January, 1952]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Cotton (Prevention of Adulteration) Act, 1952.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “admixture of cotton” means mixture of different varieties of cotton in contravention of the rules made under this Act;

(b) “prescribed” means prescribed by rules made under this Act;

(c) all words and expressions used, but not defined, in this Act and defined in the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), shall have the meanings assigned to them in that Act.

3. Prohibition of admixture of cotton in specified areas and penalties therefor.—(1) The State Government may, by notification in the Official Gazette, prohibit, in any area specified in the notification, any admixture of cotton which is ginned or pressed in a cotton ginning or cotton pressing factory.

(2) In any area specified in the notification under sub-section (1), if—

(a) any owner or person in charge of a cotton ginning or cotton pressing factory gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton, or

(b) any person makes any admixture of cotton or abets or knowingly allows or connives at such admixture of cotton which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory,

he shall, on conviction, be punishable with fine which may extend to five thousand rupees.

4. Penalty for watering, etc.—(1) Any owner or person in charge of a cotton ginning or cotton pressing factory who knowingly or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance, gins or presses or allows such cotton to be ginned or pressed in such factory shall, on conviction, be punishable with fine which may extend to five thousand rupees.

(2) Any person who knowingly waters or wets any cotton or mixes seed or foreign substance with any cotton or abets or knowingly allows or connives at such watering, wetting or mixing of cotton, which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory shall, on conviction, be punishable with fine which may extend to five thousand rupees.

Explanation.—For the purposes of this section, cotton shall be deemed to be watered if such cotton contains moisture in excess of the normal amount, the normal amount being the amount of moisture that such cotton may reasonably be expected to contain regard being had to the place or places at or to which, and the time or times of the year in which such cotton has been picked, collected, stored, conveyed, left, ginned or pressed.

(3) A certificate given by an officer authorised in this behalf by the State Government as to the normal amount of moisture that a given quantity of cotton may contain and the amount of moisture that it actually contains shall be evidence of such matters, until the contrary is proved, and if the amount of moisture that cotton actually contains exceeds the normal amount, it shall be evidence, until the contrary is proved, that the cotton is watered.

5. Examination of cotton packages or bales.—(1) Any gazetted officer authorised by the State Government in this behalf may, of his own motion or on receipt of a complaint (together with the prescribed

fee) that there has been a contravention of the provisions of section 3 or section 4 in respect of any cotton, cotton package or bale, cause such cotton or the contents of such package or bale to be examined by an officer authorised in this behalf; and for such purpose, he may take or cause to be taken a sample of such cotton.

(2) A certificate given by the authorised officer after examination of any cotton or the contents of any package or bale under sub-section (1), shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

6. Entry and inspection.—(1) The State Government may authorise any gazetted officer to enter and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any of the conditions subject to which such factory has worked or has been permitted to work and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or person in charge of such factory shall, in every instance, be permitted to be present during the inspection, and anything seized during such inspection shall be sealed in the prescribed manner.

7. Protection of action taken under the Act.—No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of the rules made thereunder.

8. Power of the State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the mixture of different varieties of cotton permissible under this Act;

(b) the proportion of seed that may be contained in the cotton;

(c) the authorisation of officers to examine and certify as to the actual amount of moisture that a given quantity of cotton

contains and the normal amount of moisture that such cotton should contain;

(d) the authorisation of the officers to examine cotton, cotton packages or bales under this Act;

(e) the manner in which anything seized under this Act may be sealed;

(f) levy of fees on complaints made under section 5;

(g) any other matter which has to be, or may be, prescribed.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

Certain good varieties of cotton grown in the State of Punjab serve as seed not only in Punjab but all over India. These varieties have been kept out of price control to give advantage of higher prices to the cultivators and also to encourage them to produce the quantities required. Due to short supply, however, there is likely to be every temptation to the cultivators and dealers to damp or to mix inferior cotton with these varieties. The Punjab Cotton (Prevention of Adulteration) Act, 1952, seeks to provide for the prevention of such adulteration.

H. V. R. IENGAR,
Secy. to the Govt. of India.
Ministry of Home Affairs.

